

# **EXHIBIT 1**

Declaration of Alex Jones

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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN JOSE DIVISION**

9 FREE SPEECH SYSTEMS, LLC, a Texas  
10 limited liability company,

11 Plaintiff,

12 vs.

13 PAYPAL, INC., a Delaware  
14 corporation,

15 Defendant.

Case No.

**DECLARATION OF ALEX EMRIC JONES  
IN SUPPORT OF PLAINTIFF'S  
EMERGENCY MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

16  
17 I, Alex Emric Jones, declare:

18 1. I am over 18 years of age and have never been convicted of a crime  
19 involving fraud or dishonesty. I have first-hand knowledge of the facts set forth  
20 herein, and if called as a witness, could and would testify competently thereto.

21 2. I am a managing member of Plaintiff Free Speech Systems, LLC  
22 ("FSS"), and I am intimately familiar with the business practices of FSS.

23 3. FSS owns and operates the web site <infowars.com>. It is a news  
24 reporting and political commentary web site that expresses views of hosts and  
25 guests that are politically conservative and often controversial.

26 4. The <prisonplanet.com> web site, also owned and operated by FSS,  
is a similar web site providing politically conservative and controversial news

1 articles and videos. Collectively, the <infowars.com> and <prisonplanet.com>  
2 web sites shall be referred to as the "News Sites."

3 5. The News Sites contain content that expresses negative views against  
4 politically liberal people, communists, socialists, and religious fanatics.

5 6. Contributors to the News Sites, including myself, have often spoken ill  
6 of specific members of political parties, including former President George W.  
7 Bush and former Secretary of State Hillary R. Clinton.

8 7. Plaintiff FSS additionally owns and operates the web site  
9 <infowarsstore.com>, which offers several products for sale, including dietary and  
10 nutritional supplements, and literature created by and for politically conservative  
11 audiences.

12 8. The Store Site also sells several literary works by politically conservative  
13 authors that speak poorly of politically liberal individuals and organizations.

14 9. The News Sites provide links to the Store Site, but the News Sites do  
15 not actually offer anything for sale. The Store Site sells products using the payment  
16 processing service PayPal.

17 10. The Store Site created the first of the PayPal accounts in or about  
18 2000. In or about 2007, FSS assumed ownership and operation of the Store Site  
19 and PayPal accounts.

20 11. Recently, a number of large tech companies started to remove  
21 Plaintiff and its content from these companies' online platforms, upon information  
22 and belief, solely due to the political viewpoints expressed on the News Sites.  
23 These platforms include Facebook, Twitter, the Apple App Store, YouTube, Spotify,  
24 Stitcher, Pinterest, LinkedIn, MailChimp, and Vimeo.

25 12. On September 21, 2018, Defendant PayPal, Inc. ("PayPal") notified  
26 Plaintiff in a phone call that, in 10 business days, it would issue a "permanent  
limitation" on Plaintiff's PayPal account.

1           13. The purported basis for this action was that, after review of both the  
2 News Sites and the Store Site, PayPal determined that Plaintiff was in violation of  
3 PayPal's Acceptable Use Policy ("AU Policy") because of instances on the sites  
4 that "promoted hate and discriminatory intolerance against certain communities  
5 and religions."

6           14. Based on the fact that several tech companies had recently caved  
7 to political and popular pressure in banning Plaintiff from their platforms, I believe  
8 that PayPal issued this permanent limitation solely based on Plaintiff's unpopular  
9 political speech on the News Sites, and Plaintiff selling products communicating  
10 politically conservative messages on the Store Site.

11           15. PayPal did not provide any prior notice that it intended to issue this  
12 permanent limitation, and PayPal informed Plaintiff that it could not appeal this  
13 determination.

14           16. The limitation will prevent Plaintiff from withdrawing, sending, or  
15 receiving money through PayPal, effectively preventing it from using its PayPal  
16 account at all.

17           17. Upon information and belief, PayPal updated its AU Policy on June  
18 15, 2018. It did not provide Plaintiff with any prior notice of this update, and the  
19 justification PayPal provided for issuing the permanent limitation on Plaintiff's  
20 account was for alleged violations of terms added in this update.

21           18. Plaintiff derives a significant portion of its revenue from products sold  
22 on the Store Site.

23           19. A significant portion of purchases from the Store Site occur using the  
24 PayPal service.

25           20. There is no adequate payment alternative to PayPal for Plaintiff's  
26 business model, and the loss of PayPal would lead to the loss of revenue in an

1 amount Plaintiff cannot calculate because users will no longer purchase goods  
2 on the Store Site.

3 21. While it is impossible to determine, beyond a speculative level, what  
4 the extent of this loss of sales and customers will be, it will be substantial.

5 22. Plaintiff has immediately lost, and will continue to lose, good will and  
6 prospective visitors of the News Sites and customers of the Store Site if PayPal  
7 imposes its permanent limitation on Plaintiff's account.

8 23. Immediately after PayPal notified Plaintiff of the ban, several national  
9 media outlets reported on it, using it as part of a narrative of tech companies  
10 ostracizing Plaintiff and heralding the financial collapse of Plaintiff's business.

11 24. PayPal's decision to ban Plaintiff has harmed Plaintiff's good will with  
12 the general public and is likely to result in the loss of future customers and viewers  
13 of the News Sites.

14 25. Plaintiff was not aware at any time prior to the September 21, 2018  
15 call that PayPal would look at content or conduct that did not use or involve the  
16 PayPal service in determining whether a user had violated PayPal's AU Policy.

17 26. Plaintiff was led to believe and did reasonably believe, based on the  
18 representations in the AU Policy and PayPal User Agreement ("AU"), that PayPal  
19 would base such determinations only on content or conduct directly using or  
20 involving the PayPal service.

21 27. If Plaintiff had been aware that PayPal would look at content and  
22 conduct not involving or using PayPal to determine whether to terminate or limit  
23 user accounts, or that PayPal would engage in viewpoint-based discrimination  
24 against politically conservative users, it would not have used and relied upon  
25 PayPal for its payment processing needs.

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1 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the  
2 foregoing is true and correct to the best of my knowledge.

3  
4 Executed on 10/1/2018 \_\_\_\_\_.

DocuSigned by:



Alex Jones  
ALEX JONES